

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
- EASTERN DIVISION -**

LORETTA O. BURKS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO.: CV- 00383-WHA -CSC
)	
VANNA DUONG, doing business as)	
HUDDLE HOUSE OF ROANOKE,)	
)	
Defendants.)	

MOTION FOR QUALIFIED HIPAA PROTECTIVE ORDER

COMES NOW the Defendant, Vanna's Food Management, Inc., d/b/a Huddle House, and moves the Court for a Qualified HIPAA Protective Order authorizing disclosure of protected health information pertaining to plaintiff. As grounds for this motion, the defendant states as follows:

1. This is an action for personal injuries allegedly suffered by the plaintiff, Loretta O. Burks, on or about April 17, 2005.

2. Because of the nature of this personal injury litigation, the defendant needs to access the plaintiff's medical records and bills to evaluate the claims, the extent of her injuries, the presence of pre-existing or subsequently developed medical conditions and other information pertaining to the plaintiff's medical condition.

3. Pursuant to the recent implementation of the Health Insurance Privacy and Accountability Act (HIPAA), health care providers may require the assurance of a protective order limiting disclosure of medical information pertaining to the plaintiff before responding to a subpoena or other directive to produce medical records or bills. A proposed Qualified HIPAA Protective Order is submitted herewith.

This the 21st day of December, 2006.

/s/Robert B. Stewart
Robert B. Stewart (STE124)

/s/Todd N. Hamilton
Todd N. Hamilton (HAM041)
Attorneys for Defendant, Vanna's Food
Management, Inc., d/b/a Huddle House

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of December, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/Robert B. Stewart
Of Counsel